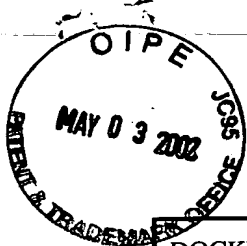


05-06-02

CPA/1600

Customer No. 000959



**REQUEST FOR CONTINUED PROSECUTION APPLICATION (CPA)**  
**UNDER 37 CFR 1.53(d)**  
 (former Rule 1.62)

#20  
5/8/02

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION SERIAL NUMBER: 09/163,272	PRIOR APPLICATION FILING DATE: SEPTEMBER 29, 1998
DNI-041CPA	CLASS:	SUBCLASS:	EXAMINER: J. KERR	ART UNIT: 1633

05/07/2002 GTEFFERA 00000128 09163272

**Commissioner For Patents**  
**Box CPA**  
**Washington, Dc 20231**

01 FC:231  
 02 FC:203

370.00 OP  
 216.00 OP

RECEIVED

CERTIFICATION UNDER 37 CFR 1.10	
Date of Deposit: <u>May 3, 2002</u>	Mailing Label Number: <u>EL 939 868 332</u>
I hereby certify that this 37 CFR 1.53(d) request and the documents referred to therein as enclosed are being deposited with the United States Postal Service on the date indicated above in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 and addressed to the Assistant Commissioner for Patents, Box CPA, Washington, D.C. 20231.	
<u>Larry Taylor</u> Name of Person Mailing Paper	 Signature of Person Mailing Paper

MAY 08 2002

TECH CENTER 1600/2900

Dear Sir:

This is a request for filing a continued prosecution application under 37 CFR 1.53(d), of pending prior application serial no. 09/163,272 filed on September 29, 1998, entitled "*Porcine Spinal Cord Cells and Their Use in Spinal Cord Repair*" which was filed by the following named inventor.

<u>FULL NAME OF INVENTOR</u>	<u>RESIDENCE ADDRESS</u>	<u>CITIZENSHIP</u>
Jonathan Dinsmore	28 White Place, Brookline, Massachusetts 02146	U.S.

The above-identified prior application in which no payment of the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this Continued Prosecution Application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

- ☒ This application discloses only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application are
  - ☒ the same, or
  - ☐ less than those named in the prior application. Please delete the following named inventors:
- ☒ A preliminary amendment is enclosed.
- ☒ Enter the amendment previously filed on January 3, 2002 under 37 CFR 1.116, in the prior application.

The filing fee is calculated on the basis of the claims existing in the prior application as amended at 2 and 3 above.

OTHER THAN A

	NUMBER OF CLAIMS FILED			NUMBER EXTRA
TOTAL	* 44	MINUS	** 20	= 24
INDEP.	* 2	MINUS	*** 3	= 0
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS				

SMALL ENTITY

RATE	FEE
x 9 =	\$ 216.00
x 42 =	\$0.00
+140 =	\$0.00
BASIC FEE	\$370.00
TOTAL	\$586.00

OR

SMALL ENTITY

RATE	FEE
x 18 =	\$0.00
x 84 =	\$0.00
+ 280 =	\$0.00
BASIC FEE	\$0.00
TOTAL	\$0.00

OR



The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 and 1.17 which may be required, or credit any overpayments, associated with this communication, to Deposit Account No. 12-0080. For this purpose, a duplicate of this document is enclosed.

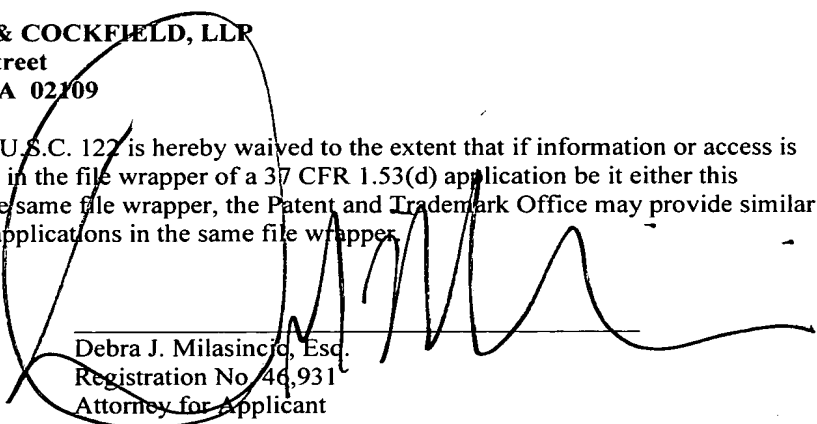
5. ☒ A check in the amount of **\$586.00** is enclosed for payment of the filing fee.
6. ☒ A verified statement claiming small entity status was filed in the parent application Serial No. 09/163,272 on January 8, 1999 and is still deemed proper, and its benefit under 37 CFR 1.28(a) is hereby claimed.
7. ☒ The prior application is assigned of record to: Diacrin, Inc.; recorded on January 8, 1999 at Reel 9691, Frame 0320-0321.
8. ☒ The power of attorney in the prior application is to: Lahive & Cockfield, LLP.
9. ☒ A request for a One-Month Extension of Time has been submitted in the parent application, Serial No. 09/163,272, in order to establish copendency with the present application.  
(A copy of the Request for Extension of Time is also enclosed.)
10. ☒ Associate Power of Attorney for Debra J. Milasincic, Esq is enclosed.
11. ☒ Address all future communications (may only be completed by applicant or attorney or agent of record) to Amy E. Mandragouras, Esq. at Customer No. 000959, whose address is:

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MAY 08 2002  
TECH CENTER 1600/2900

**LAHIVE & COCKFIELD, LLP**  
28 State Street  
Boston, MA 02109

It is understood that secrecy under 35 U.S.C. 122 is hereby waived to the extent that if information or access is available to any one of the application in the file wrapper of a 37 CFR 1.53(d) application be it either this application or a prior application in the same file wrapper, the Patent and Trademark Office may provide similar information or access to all the other applications in the same file wrapper.

Date: May 3, 2002

  
Debra J. Milasincic, Esq.  
Registration No. 46,931  
Attorney for Applicant



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/163,272	09/29/1998	1632	1077	DNI-041	8	38	2

AMY E. MANDRAGOURAS  
LAHIVE AND COCKFIELD  
28 STATE STRTEET  
BOSTON, MA 02109

CONFIRMATION NO. 9801

## CORRECTED FILING RECEIPT



\*OC00000008063186\*

Date Mailed: 05/09/2002

Receipt is acknowledged of a CPA in this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

## Applicant(s)

JONATHAN DINSMORE, BROOKLINE, MA;

## Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/091,193 06/30/1998

## Foreign Applications

If Required, Foreign Filing License Granted 10/13/1998

CPA filed on: 05/03/2002

Projected Publication Date: 08/15/2002

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

## Title

PORCINE SPINAL CORD CELLS AND THEIR USE IN SPINAL CORD REPAIR

**Preliminary Class**

424

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).